



October 6, 1999

Mr. Michael L. Scanlon  
Bickerstaff, Heath et al.  
2121 Cross Timbers Road  
Flower Mound, Texas 75028

OR99-2833

Dear Mr. Scanlon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129050.

The Town of Flower Mound, which you represent, received a request for any police or court reports dealing with a certain child pornography case. You claim that the requested information is excepted from disclosure under sections 552.108 and 552.101 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that the submitted documents include several court documents. Records filed with a court are generally public records and may not be withheld from disclosure. *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992).

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime.” You state that the requested records relate to an ongoing criminal case. Based upon this representation, we conclude that the release of the requested records, other than the court documents explained above, would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases).

We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally* Gov’t Code § 552.108(c); *Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page

offense report information, even if this information is not actually located on the front page of the requested records. Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



E. Joanna Fitzgerald  
Assistant Attorney General  
Open Records Division

EJF\nc

Ref: ID# 129050

Encl: Submitted documents

cc: Mr. Jason Lamers  
DFW Community Newspapers  
1165 South Stemmons Freeway, Suite 100  
Lewisville, Texas 75067  
(w/o enclosures)

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<sup>1</sup>Because section 552.108 is dispositive of this matter, it is not necessary to address your argument regarding section 552.101.